United States District Court Southern District of Texas

ENTERED

August 18, 2022
Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

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§	CIVIL ACTION NO. 4:21-cv-01940
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	(a)

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

On April 14, 2022, the Court referred Defendant's Motion to Dismiss Plaintiff's Amended Complaint ("Motion to Dismiss") (Dkt. 11) to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). See Dkt. 22. On August 2, 2022, Judge Edison filed a Memorandum and Recommendation, recommending that the Court grant Defendant's Motion to Dismiss. See Dkt. 27.

Plaintiff timely objected to Judge Edison's Memorandum and Recommendation on August 16, 2022. *See* Dkt. 30. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which [a proper] objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered Plaintiff's objections, the Memorandum and Recommendation, the pleadings, the record, and the applicable law. The Court

ACCEPTS Judge Edison's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 27) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) Defendant's Motion to Dismiss (Dkt. 11) is **GRANTED**; and
- (3) Plaintiff's claims are **DISMISSED WITH PREJUDICE** to refiling.

SIGNED this 18th day of August 2022.

GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE